

EXHIBIT CC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JESSE REYES, DANIEL REYNOSO,)
LEAGUE OF UNITED LATIN AMERICAN)
CITIZENS, LATINO COMMUNITY FUND)
OF WASHINGTON,)

Plaintiffs,)

v.)

No. 4:21-CV-05075-MKD

BRENDA CHILTON, in her official)
capacity as Benton County)
Auditor and Canvassing Review)
Board member, ANDY MILLER, in)
his official capacity as Benton)
County Prosecutor and Canvassing)
Review Board member, JEROME)
DELVIN, in his official capacity)
as Benton County Canvassing)
Review Board member, CHARLES)
ROSS, in his official capacity)
as Yakima County Auditor and)
Canvassing Review Board member,)
JOSEPH BRUSIC, in his official)
capacity as Yakima County)
Prosecutor and Canvassing Review)
Board member, RON ANDERSON, in)
his official capacity as Yakima)
County Canvassing Review Board)
member, SKIP MOORE, in his)
official capacity as Chelan)
County Auditor and Canvassing)
Review Board member, ROBERT)
SEALBY, in his official capacity)
as Chelan County Prosecutor and)
Canvassing Review Board member,)
BOB BUGERT, in his official)
capacity as Chelan County)
Canvassing Review Board member,)

Defendants.)

ZOOM VIRTUAL DEPOSITION UPON ORAL EXAMINATION OF
JEROME L. DELVIN, II

1 answered.

2 A. I don't recall.

3 Q. (By Ms. Waknin) Are alternates required to
4 attend any trainings on election processing or
5 certification prior to serving on the canvassing review
6 board?

7 A. I don't know that.

8 Q. Have you ever been selected as an alternate
9 for a county commissioner to serve on the canvassing
10 review board?

11 A. I don't recall specifically if I have.

12 Q. And you don't know if there are any trainings
13 regarding election, like election certification for an
14 alternate to attend prior to serving on the canvassing
15 review board?

16 MS. CASTILLO: Object to form.

17 A. All I know is that there is training provided
18 by the Secretary of State's office.

19 Q. (By Ms. Waknin) Is it just that the training
20 is provided?

21 MS. CASTILLO: Object to form.

22 A. Yeah, I don't know of a requirement.

23 Q. (By Ms. Waknin) Is it common for alternates
24 to serve on the canvassing review board?

25 A. What was your first part of that, was it

1 common?

2 Q. Yes. Is it common for alternates to serve on
3 the canvassing review board?

4 A. I don't think so.

5 Q. Is it rare then for them to serve on the
6 canvassing review board?

7 A. Another commissioner?

8 Q. You -- when you were on the canvassing review
9 board, you mentioned that a commissioner can serve, a
10 prosecuting attorney serves and also the county
11 auditor; is that correct?

12 A. Yes.

13 Q. Can they all appoint alternative members if
14 they have a conflict, as you defined?

15 A. I don't know that. I don't know.

16 Q. But has it been rare for commissioners who
17 have served on the canvassing review board to appoint
18 other alternatives if they have a conflict?

19 A. Can you define "rare"? I mean, I would say
20 that it happens.

21 Q. Jerome, how would you define "rare"?

22 A. Like once in a blue moon.

23 Q. And so based off of your definition, is it
24 rare for an alternate to serve on the canvassing review
25 board?

1 control over what other -- how other elected officials
2 hire their staff?

3 A. No.

4 Q. Do you know if the county auditor's office
5 requires any qualifications for election staff?

6 A. I don't know.

7 Q. Do you know who specifically hires the
8 election staff in Benton County?

9 A. I can only make a presumption.

10 Q. What is your presumption?

11 A. The county auditor.

12 Q. Do you know when those staff members are
13 hired?

14 A. Do I know what now?

15 Q. When the election staff members are hired?

16 A. No, I don't know.

17 Q. Do you know if they are required to receive
18 any training before they can become election staff
19 members?

20 A. I don't know.

21 Q. Do you know if any of the staff members that
22 support the CRB receive any trainings in election
23 processing?

24 A. No, I don't know that.

25 Q. Have you talked to any of the staff members

1 for the canvassing review board when you've been on it?

2 A. Oh, yeah. Well, yeah, we're talking while
3 we're -- while we're doing the processes of the
4 ballots.

5 Q. What do you talk about when you're processing
6 the ballots?

7 A. The ballots.

8 Q. What specifically about the ballots?

9 MS. CASTILLO: Object to form.

10 A. Maybe ask the questions about what the RCW or
11 the WACs say. I mean, it's a conversation about the
12 ballots in front of us, whatever that may be.

13 Q. (By Ms. Waknin) Are the staff members
14 lawyers?

15 A. Are they lawyers?

16 Q. Yes, are the staff members --

17 A. No, I don't think so. I think the only
18 lawyers we have are in the county prosecutor's office.

19 Q. And how do the staff members of the CRB know
20 the specific RCWs or you called them WACs?

21 A. Yeah, that's the Washington Administrative
22 Codes.

23 Q. How do the -- how do the staff members know
24 the RCW or the WACs?

25 A. They have a binder that we refer to, so.

1 Q. Who made that binder?

2 A. I think one of them did put that binder
3 together. I don't know if it was the auditor or one of
4 her staff.

5 Q. And is that binder updated every year?

6 A. I don't know that.

7 Q. And you don't know who created the binder
8 that you all look at?

9 A. I don't know.

10 Q. Do you know if the binder was produced in
11 discovery related to this lawsuit?

12 A. I don't know that.

13 Q. What else is in the binder?

14 A. Um, as far as I know when I've looked at it,
15 just the RCWs and the WACs.

16 Q. Anything else?

17 A. I don't recall anything else.

18 Q. Do you review signature match standards in
19 the binder before reviewing signatures during the
20 certification process?

21 MS. CASTILLO: Object to form.

22 MS. WAKNIN: Can you state your objection,
23 Callie?

24 MS. CASTILLO: He just answered that within
25 the binder was this RCWs and the WACs, and you just

1 A. I would say that these are the same people,
2 um, just off the top looking at the way they start
3 their name and the loop and then the R at the end, um,
4 the T's are similar except for they cross over at the
5 top and not through. I mean, you know, again, this
6 would be one I'd be curious to know what the other two
7 thought. I mean, there's some similarities, I'd be
8 willing to say okay on this one.

9 Q. So you would say that this is a matching
10 signature?

11 A. Well, very similar, that it could be the same
12 person.

13 Q. Is the goal then or is the objective of the
14 canvassing review board is just to figure out the
15 signatures are similar enough?

16 MS. CASTILLO: Object to form.

17 A. Well, I think you want to err on the -- on
18 the -- you want to err on the side of the voter to make
19 sure the votes count. I mean, I think that's -- they
20 send out the -- they make the a phone call and the
21 letter out letting you know, you know, that there's
22 questions about your signature. I mean, I've had that
23 happen to me.

24 Q. (By Ms. Waknin) You've had your ballot
25 flagged?

1 A. Yes.

2 Q. What happened when you had your ballot
3 flagged?

4 A. I sent in a new signature to be put on file
5 that I currently sign, sign my current signature
6 because my signature changed over the years in the
7 legislature when I was signing so many papers each day,
8 the letters each day. And they corrected it to be
9 like, you know, five minutes to fill out the form and
10 send it back in.

11 Q. And do you remember what year your ballot was
12 flagged?

13 A. It was either 15 or so more years ago. I
14 wasn't a county commissioner.

15 Q. Are you saying it was in 15, like 2015, or
16 was it 15 years ago?

17 A. Fifteen years ago or more.

18 Q. Okay.

19 A. It's been a while.

20 Q. So returning back to the signature. If the
21 other two board members had said that they find the
22 signature suspect and might want to reject it, what
23 would you do in that situation?

24 MS. CASTILLO: Object to form.

25 A. Well, I would say I disagree and then be the

REPORTER'S CERTIFICATE

I, MARY E. ROGERS, the undersigned Certified Court Reporter, pursuant to RCW. 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this 7th day of July, 2022.

A handwritten signature in black ink, appearing to be 'Mary E. Rogers', with a stylized, cursive script.

Mary E. Rogers

Washington State Certified Court Reporter No. 3339